

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

EDWARD DENNIS RODGERS,)
Plaintiff,)
v.) Case No. 1:23-cv-00077-SNLJ
KELLIS THOMPSON AND)
CHRISTOPHER MONTGOMERY,)
Defendants.)

MEMORANDUM AND ORDER

This matter comes before the court on a motion for subpoena order under the sunshine law. Plaintiff, who is *pro se*, filed this motion asking the Court to issue a subpoena ordering defendants to produce certain pieces of evidence. Specifically, plaintiff seeks (1) the body camera, police vehicle, and dashboard camera footage, as well as any audio from defendant Thompson from the time plaintiff alleges defendant Thompson harmed him; and (2) any and all medical files, as well as video and audio records and footage from defendant Montgomery pertaining to the care that defendant Montgomery gave to plaintiff. [Doc. 28.]

Plaintiff's motion will be denied because asking the Court to issue a subpoena is not the proper avenue to obtain this information at this time. Pursuant to the Case Management Order, now is the time where the parties engage in the process of discovery. [Doc. 18 at 2.] Discovery is governed by Rule 26 of the Federal Rules of Civil Procedure, which provides details plaintiff may reference as he proceeds in litigation.

Additionally, Rule 34 of the Federal Rules of Civil Procedure provides guidance on how to properly obtain documents during discovery. Under that Rule, the proper way to seek information from another party at this stage of litigation is to serve the other party with a request to produce information, and not to submit a motion to the Court requesting a subpoena. Fed. R. Civ. P. 34(a).

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for subpoena order [Doc. 28] is DENIED.

Dated this 17th day of May, 2024



STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE